

TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371

ATTORNEY'S DOCKET NUMBER

235838

CLIENT REF. NO.

MEMM P139US vo

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)

10/538,430

PRIORITY DATE CLAIMED

12 December 2002

INTERNATIONAL APPLICATION NO.

PCT/EP2003/013418

INTERNATIONAL FILING DATE

28 November 2003

TITLE OF INVENTION

HAND HELD YARN MEASURING DEVICE

APPLICANT(S) FOR DO/EO/US

Rolf-Reiner Sawall et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 USC 371 and 37 CFR 1.491.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 USC 371 and 37 CFR 1.491.
3. ☐ This is an express request to begin national examination procedures (35 USC 371(f)).
4. ☐ The US has been elected (PCT Article 31).
5. ☐ A copy of the International Application as filed (35 USC 371(c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 USC 371(c)(2)).
 - a. ☐ is attached hereto.
 - b. ☐ has previously been submitted under 35 U.S.C.V. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 USC 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 USC 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 USC 371(c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 USC 371(c)(5)).
11. Nucleotide and/or Amino Acid Sequence Submission
 - a. ☐ Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. ☐ CD-ROM or CD-R (2 copies); or
 - ii. ☐ Paper Copy
 - c. ☐ Statement verifying identity of above copies

Items 12 to 20 below concern other document(s) or information included:

12. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
 - ☐ Form PTO-1449
 - ☐ Copies of References (except for U.S. patents and applications)
13. ☐ An assignment for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
14. ☐ A FIRST preliminary amendment.
15. ☐ A SECOND or SUBSEQUENT preliminary amendment.
16. ☐ A substitute specification.
17. ☐ A change of power of attorney and/or address letter.
18. ☐ Application Data Sheet Under 37 CFR 1.76
19. ☒ Return Receipt Postcard
20. ☒ Other items or information: Response to Notification of Missing Requirements

RECEIVED


Legal Staff
International Division

SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

US Patent Phase Transmittal (Revised 4/5/2005)

M:\doc\PATDRS\235838\235838 transmittal second submission.doc

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/538,430		INTERNATIONAL APPLICATION NO. PCT/EP2003/013418		ATTORNEY DOCKET NO. 235838		CLIENT REF. NO. MEMM P139US vo	
The following fees are submitted:						CALCULATIONS	PTO USE ONLY
21. <input type="checkbox"/> Basic national fee \$300						\$	
22. <input type="checkbox"/> Examination Fee							
If international preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4) \$100						\$	
All other situations \$200							
23. <input type="checkbox"/> Search Fee							
USPTO was ISA \$100						\$	
Search report provided to USPTO by other entity \$400							
All other situations \$500							
TOTAL OF 21, 22 AND 23 =						\$	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.						\$	
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)		RATE			
14	0	/ 50 =		x \$250		\$	
<input checked="" type="checkbox"/> Surcharge of \$130 for furnishing the National fee or oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(h)).						\$130.00	
Extension of Time							
<input checked="" type="checkbox"/> Applicant(s) petition(s) for a two-month extension of time under 37 CFR 1.136, the fee for which is \$450.00.						\$450.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA		RATE			
Total Claims	21	- 20 =		1		x \$ 50	\$
Independent Claims	1	- 3 =		0		x \$200	\$
MULTIPLE DEPENDENT CLAIM(S) (if applicable)						+ \$360	\$
TOTAL OF ABOVE CALCULATIONS =						\$	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.						\$()	
SUBTOTAL=						\$	
<input type="checkbox"/> Processing fee of \$130 for furnishing English Translation later than 30 months from the earliest claimed priority date.						\$	
TOTAL NATIONAL FEE=						\$	
<input type="checkbox"/> Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property.						\$	
TOTAL FEES ENCLOSED=						\$	
						Amount to be: refunded	\$
						Amount to be: charged:	\$580.00
<p>a. <input type="checkbox"/> No fee is believed to be due.</p> <p>b. <input checked="" type="checkbox"/> Please charge Deposit Account No. 12-1216 the total fee indicated above.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 12-1216. A duplicate copy of this sheet is enclosed.</p>							
<p>SEND ALL CORRESPONDENCE TO CUSTOMER NO. 23460:</p> <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="width: 45%;"> <p style="font-size: 1.2em; margin-top: 10px;">23460</p> </div> <div style="width: 50%; border-top: 1px solid black; padding-top: 5px;"> <p><i>Dennis R. Schlemmer</i> Dennis R. Schlemmer, Registration No. 24,703 LEYDIG, VOIT & MAYER, LTD. Two Prudential Plaza, Suite 4900 180 North Stetson Avenue Chicago, Illinois 60601-6780 (312) 616-5600 (telephone) (312) 616-5700 (facsimile)</p> <p>Date: March 6, 2006</p> </div> </div>							

U.S. APPLICATION NO. (if known, see 37 CFR 1.51)	INTERNATIONAL APPLICATION NO.	ATTORNEY OR AGENT NO.	CLIENT REF. NO.
10/538,430	PCT/EP2003/013418	235838	MEMM P139US vo
EV419247449US		March 6, 2006	
"Express Mail" Mailing Number		Date of Deposit	
<p>I hereby certify that this transmittal document with respect to the U.S. national phase of the above-referenced International Patent Application, including all of the items listed thereon as enclosures, is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.</p>			
Norma J. Arhos			
Typed or Printed Name of Person Making Deposit		Signature of Person Making Deposit	



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

To: **DRS**
cc:
LV235838, Ruyter

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/538,430	Rolf-Reiner Sawall	235838

INTERNATIONAL APPLICATION NO.	
PCT/EP03/13418	
I.A. FILING DATE	PRIORITY DATE
11/28/2003	12/12/2002

23460
LEYDIG VOIT & MAYER, LTD
TWO PRUDENTIAL PLAZA, SUITE 4900
180 NORTH STETSON AVENUE
CHICAGO, IL 60601-6780

LEYDIG, VOIT & MAYER
PSC 1457

NOV 14 2005

PAY/Tw Use Date

Date Mailed: 11/07/2005

CONFIRMATION NO. 3178

371 FORMALITIES LETTER



OC00000017408378

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 06/10/2005
- English Translation of the IA filed on 06/10/2005
- Copy of the International Search Report filed on 06/10/2005
- Copy of IPE Report filed on 06/10/2005
- Copy of Annexes to the IPER filed on 06/10/2005
- Preliminary Amendments filed on 06/10/2005
- Oath or Declaration filed on 06/10/2005
- Request for Immediate Examination filed on 06/10/2005
- U.S. Basic National Fees filed on 06/10/2005
- Substitute Specification filed on 06/10/2005
- Priority Documents filed on 06/10/2005

LAH

JC

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130** Surcharge.

Additionally the following defects have been observed:

- Annexes have not been entered because the IPER annexes have not been translated.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

KAREN M WILLIAMS

Telephone: (703) 308-9140 EXT 213

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/538,430	PCT/EP03/13418	235838

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application No. 10/538,430

Applicant: Rolf-Reiner Sawall

Filed: June 10, 2005

TC/AU: Not Assigned

Examiner: Not Assigned

Docket No.: 235838 (Client Reference No. MEMM P139 US)

Customer No.: 23460

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

Dear Sir

Applicant(s) hereby respond(s) to the Notification of Missing Requirements dated November 7, 2005.

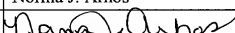
The items checked below are appropriate:

1. Status of Applicant

This application is on behalf of ☒ other than a small entity or ☐ a small entity.

CERTIFICATE OF MAILING UNDER 37 CFR 1.10

I hereby certify that this Response and all accompanying documents are being deposited with the United States Postal Service on the date indicated below, in an envelope as "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 CFR 1.10, Mailing Label Number EV419247449US, addressed to: Mail Stop , Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Name (Print/Type)	Norma J. Arhos
Signature	
Date	March 6, 2006

2. Documents Submitted Herewith

- a. ☒ Executed Declaration of inventor(s)
b. ☐ Nucleotide and/or Amino Acid Sequence Submission:
i. ☐ Computer Readable Form (CRF)
ii. Specification Sequence Listing on:
(1) ☐ CD-ROM or CD-R (2 copies); or
(2) ☐ Paper Copy
iii. ☐ Statement verifying identity of above copies
c. ☐ Verified English translation of application
d. ☒ Copy of the Notification of Missing Requirements
e. ☐ Substitute Drawings
f. ☐ Other:

3. Application Filing Fee

- a. ☐ No application filing fee due
b. ☐ Application filing fee due in amount calculated below:

BASIC FEE (\$300 FILING FEE + \$200 EXAMINATION FEE + \$500 SEARCH FEE)				\$1,000.00
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	
Total Claims	- 20 =		x \$50.00	\$
Independent Claims	- 3 =		x \$200.00	\$
<input type="checkbox"/> Multiple Dependent Claim(s) if applicable			+ \$360.00	\$
<input type="checkbox"/> Application Size Fee (\$250 for each additional 50 sheets over 100)				\$
Total of above calculations =				\$
Reduction by 50% for filing by small entity =				\$()
Fee Already Paid =				\$
Fee Due =				\$0

4. Late Filing of Oath or Declaration Surcharge

Pursuant to 37 CFR 1.16(e), the surcharge for filing this Response is for
☒ other than a small entity or ☐ a small entity.

Fee Due \$130.00

5. Non-English Specification Surcharge

Pursuant to 37 CFR 1.17(i), the surcharge for submitting an English translation of the non-English specification is included.

Fee Due \$ 0.00

6. (Provisional only) Surcharge for Late Submission

Pursuant to 37 CFR 1.16(g), the surcharge for submitting an English translation of the non-English specification is included.

Fee Due \$ 0.00

7. **Extension of Time**

- ☒ Applicant(s) petition(s) for a two-month extension of time under 37 CFR 1.136, the fee for which is \$450.00.
- ☐ Applicant(s) believe(s) that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant(s) has/have inadvertently overlooked the need for a petition and fee for extension of time.

Fee Due \$450.00

8. **Total Fee Due**

The total fee due is:

Application Filing Fee	\$0.00
Late Filing of Declaration Surcharge	\$130.00
Non-English Specification Surcharge	\$ 0.00
(Provisional only) Surcharge for Late Submission	\$ 0.00
Extension of Time Fee	\$450.00

Total Fee Due: \$580.00

8. **Fee Payment**

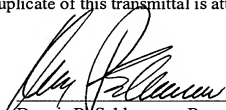
- ☐ Attached is a check in the sum of \$.
- ☒ Charge Account No. 12-1216 the sum of \$580.00. A duplicate of this transmittal is attached.

9. **Fee Deficiency**

- ☒ If any additional fee is required in connection with this communication, charge Account No. 12-1216. A duplicate of this transmittal is attached.

03/14/2006 LLANDGRA 00000037 121216 10538430

01 FC:1617 130.00 DA
02 FC:1252 450.00 DA


Dennis R. Schlemmer, Reg. No. 24,703
LEYDIG, VOIT & MAYER, LTD.
Two Prudential Plaza, Suite 4900
180 North Stetson Avenue
Chicago, Illinois 60601-6780
(312) 616-5600 (telephone)
(312) 616-5700 (facsimile)

Date: March 6, 2006